

Pathological Gambling: The Law, Finances, and Health

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"Gambling is the child of avarice, the brother of iniquity, and the father of mischief."

George Washington

1783

Relationship to Antisocial Personality Disorder

- Rates of ASPD in general population
1 – 3%
- Rates among gamblers
0 – 40%
- Individuals with gambling-related arrests more likely to have ASPD features
- 25% of prisoners were probable pathological gamblers

Adolescents, Gambling, and Crime

- Rates of illegal activities were twice those for non-gamblers (20 vs 10%)
- Stealing money for gambling was most common
- More likely to smoke, drink alcohol, and use illicit substances
- Rates of truancy higher
- More likely to be male

Crimes

- Fraud
- Stealing
- Embezzlement
- Forgery
- Robbery
- Blackmail
- Prostitution

Relation to Criminal Behavior

- 20-80% of pathological gamblers have engaged in criminal behavior
- 55% committed gambling-related offenses
- 21% have been charged with a crime
- 4-fold increase in illegal gambling-related behavior

Causal?

- Crimogenic factor?

DSM-IV criteria: "has committed illegal acts"

- Need to maintain gambling is the primary motivation for criminal behavior

- As losses increase, the pressure to offend increases

Risk Factors for Illegal Behavior

- Multiple forms of gambling
- Owing debts to acquaintances
- Gambling-related suicidality
- Excessive substance use
- Other mental health issues

Adolescent Gambling

- Fisher study

 - 46% stole from families

 - 12% stole from others

 - 31% sold their possessions

- Crime may be more prevalent among adolescents

 - Fewer options to obtain funds

 - Greater susceptibility to peer pressure

Bankruptcy

- 28% to 32% of pathological gamblers had filed for bankruptcy
- One study of bankruptcy court opinions, 20% were gambling related
- Of those filing, mean unsecured debt was \$40K and 6 credit cards
- 1995 – cost to Minnesota was \$228 million annually

Law of Bankruptcy

- Are debt from gambling included in bankruptcy?
- Not if the person intended to defraud the person (e.g a credit card company)
- Debt is discharged if the gambler intended to repay the debt with the winnings (6th Circuit);
- Ability to repay is not considered

Other Legal Consequences

- Divorce

- Child Abuse 10%-17%

- Spousal Abuse 23%-50%

Suits Against Casino

- Logan v. Ameristar Casino; Williams v. Aztar
- Sued casino saying it knew he had addiction but didn't bar him from casino
- Duty of care?
- Must be statutory
- No common law negligence

Diminished Capacity

- Used for sentencing
- Courts generally fail to recognize this
- Committed the offense while suffering from significantly reduced mental capacity
- Drugs and alcohol are excluded
- Mental incapacity must be a contributing cause of the crime
- Able to absorb information and exercise reason

Insanity Defense

- Disease of mind prevents the person from knowing the nature and quality of the act at the time of doing it; or that the person did not know it was wrong
- Insane if knew the act was wrong but the conduct was beyond their control because of the disease
- Gambling mean cannot control the criminal behavior?
- Some states have statutes barring this defense for gamblers

Americans with Disabilities Act

- ADA proscribes employment discrimination or termination based on disability
- A disability must substantially limit one or more major life activities

Gambling and Health

Social/Personal Consequences

- **Family dysfunction and domestic violence** (spousal and child abuse)
- **Alcohol and other drug problems**
- **Psychiatric conditions** including major depression and anxiety disorders
- **Suicidal thoughts and attempts**
- **Significant financial problems** (bankruptcy, unemployment, poverty)
- **Criminal behavior** (theft, prostitution, homicide, fraud, embezzlement)

Substance Abuse Counselors

- Compared those with gambling problems vs those without
- N=328
- Gambling associated with poorer physical health
- Greater limits on physical activities
- More bodily pain

Older Adults

- Compared those with gambling problems vs those without
- Gamblers had poorer functioning due to health
- Poorer social functioning

Childhood Maltreatment

- Comparison of men and women with gambling problems
- Physical neglect, emotional abuse, and sexual abuse during childhood higher in women
- No differences in emotional neglect, physical abuse

Influence of Nicotine Dependence on the Association Between Gambling and Psychiatric Disorders

Background: PG and ND

- **Pathological Gambling (PG) Frequently Co-Occurs with Nicotine Dependence (ND)**
- **A Similar Yet Weaker Association is Observed Between ND and Subsyndromal Levels of Gambling**

Background: Clinical

- Smoking and Gambling Associated with Increased Symptom Severity
 - Cigarette Smoking Associated with Increased Gambling Severity in Treatment-Seeking Problem Gamblers
 - Among Help-Seeking Problem Gamblers, Current Daily Smoking Associated with More Psychiatric Problems
 - Among PG Subjects, Former and Current Daily Smokers Report Stronger Gambling Urges

Background: NESARC

- **NIAAA Recently Conducted a Survey that Involved Structured Assessment of Axis I and Axis II Disorders**
- **This Survey, the National Epidemiological Survey of Alcohol and Related Conditions (NESARC), Included Structured Measures of ND and PG**
- **The NESARC Data Allow for Investigation of the Relative Influence of Gambling Behaviors and ND on Psychiatric Disorders**

Results

- 4,962 Individuals (11.5%) Reported Past-Year ND
- ND+ Subjects Were More Likely to Be Male, Less Well-Educated, Employed Full-Time, Previously or Never Married, and White (All $p \leq 0.0001$)
- ND+ Subjects Were Less Likely to Be Black or Hispanic (Each $p < 0.0001$)

Gambling and ND Status

<u>Gambling Status</u>	ND+	ND-
Non/Low-Freq.	59.7%	75.4%
Low-Risk	31.6%	22.6%
At-Risk	4.9%	1.9%
Problem/Path.	1.9%	0.4%

Conclusions

- Gambling addiction associated with significant legal and financial problems
- Finances often a trigger for relapse and must be dealt with in treatment
- Gambling associated with health problems and primary physicians need to be part of the treatment plan.